

TOWN OF DAVIE

TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark Kutney, AICP, Development Services Director/(954) 797-1101
Prepared by: Roberta Moore, Planner I

SUBJECT: Ordinance 1st Reading/Quasi-judicial
VA 12-2-03, Town of Davie Oakes Road Fire Station, 4491 Oakes Road,
Generally located west of State Road 7 / 441, east of Burris Road.

AFFECTED DISTRICT: District 1

TITLE OF AGENDA ITEM: AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING PETITION VA 12-2-03, VACATING A PORTION OF THE RIGHT-OF-WAY FOR OAKES ROAD, LYING WITHIN THE NORTH 35-FEET OF THE NORTHEAST ONE-QUARTER OF SECTION 25, TOWNSHIP 50 SOUTH, RANGE 41; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

REPORT IN BRIEF: The applicant has requested to vacate a portion of the right-of-way for Oakes Road, lying within the north 35-feet of the northeast one-quarter of Section 25, Township 50 South, Range 41. The requested vacation is approximately 0.15 acres (6,414.45 square feet) in size. The intent of the requested vacation is to include this land area in the overall site for the proposed Town of Davie Fire / Rescue Station. The proposed Fire / Rescue Station that is scheduled to be built will service the areas east of the Florida's Turnpike and adjacent major highways.

PREVIOUS ACTIONS: None

CONCURRENCES: At the February 11, 2004 Planning and Zoning Board meeting, Mr. McLaughlin made a motion, seconded by Mr. Stevens, to approve based upon the stipulation that the east property line be a non-vehicular access line to continue to the south the property line of the vacated portion. Motion carried 5-0.

FISCAL IMPACT: N/A

RECOMMENDATION(S): Staff finds the subject application complete and suitable for transmittal to Town Council for further consideration.

Attachment(s): Ordinance, Planning report, Justification letter, Future Land Use map, Zoning and aerial map

ORDINANCE _____

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING PETITION VA 12-2-03, VACATING A PORTION OF THE RIGHT-OF-WAY FOR OAKES ROAD, LYING WITHIN THE NORTH 35-FEET OF THE NORTHEAST ONE-QUARTER OF SECTION 25, TOWNSHIP 50 SOUTH, RANGE 41; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, certain land specifically described on Exhibit "A" attached hereto, was accepted as road right-of-way easements; and

WHEREAS, vacation of the right-of-way easement will not be in conflict with the public interest; and

WHEREAS, on the date of adoption of this ordinance, Town Council approved such vacation.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

SECTION 1. The portion of the right-of-way for Oakes Road, lying within the north 35 feet of the northeast one-quarter of Section 25, Township 50 South, Range 41 of the property as specifically described in Exhibit "A" attached hereto, are hereby vacated by the Town of Davie.

SECTION 2. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 3. This ordinance shall take effect immediately upon its passage and adoption.

PASSED ON FIRST READING THIS _____ DAY OF _____, 2004.

PASSED ON SECOND READING THIS _____ DAY OF _____, 2004.

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2004.

TOWN OF DAVIE
Development Services Department
Planning and Zoning Division
Staff Report and Recommendation

Applicant Information

Owner / Petitioner:

Name: Town of Davie
Address: 6591 Orange Drive
City: Davie, FL 33314
Phone: (954) 797-1000

Background Information

Date of Notification: January 27, 2004 **Number of Notifications:** 25

Planning and Zoning Board Recommendations: At the February 11, 2004 Planning and Zoning Board meeting, Mr. McLaughlin made a motion, seconded by Mr. Stevens, to approve based upon the stipulation that the east property line be a non-vehicular access line to continue to the south the property line of the vacated portion. Motion carried 5-0.

Application History: No deferrals have been requested.

Application Request: To vacate a portion of the right-of-way for Oakes Road, lying within the north 35-feet of the northeast one-quarter of Section 25, Township 50 South, Range 41.

Address/Location: 4491 Oakes Road/ Generally located west of State Road 7 / U.S. 441, east of Burris Road.

Future Land Use Plan Map Designation: Industrial

Existing Zoning: M-3, Intense Manufacturing and Industrial District (County) and B-3, Intense Commercial Business District (County)

Proposed Zoning: CF, Community Facilities District

Existing Use: Vacant

Proposed Use: Town of Davie Fire / Rescue Station

Parcel Size: Approximately 0.15 acres (6,414.45 square feet)

	<u>Surrounding Uses:</u>	<u>Surrounding Land Use Plan Designation:</u>
North:	United Rentals, Self Storage	Industrial
South:	Lake	Industrial
East:	State Road 7 / U.S. 441	Transportation
West:	G. S. Equipment	Industrial
	<u>Surrounding Zoning:</u>	
North:	M-3, Intense Manufacturing and Industrial District (County)	
South:	M-3, Planned Industrial Park District (Hacienda Village)	
East:	B-3, Intense Commercial Business District (County)	
West:	M-3, Planned Industrial Park District (Hacienda Village)	

Zoning History

Related Zoning History: None

Previous Request on same property: The applicant has submitted a Rezoning application (ZB 12-3-03) to run concurrently with this application. The rezoning application proposes to rezone the property from M-3, Intense Manufacturing and Industrial District (County) and B-3, Intense Commercial Business District (County) to CF, Community Facilities District.

Town Council approved on January 21, 2004, Resolution 2004-16, to amend the Restrictive Plat Note to allow a 20,000 square foot Fire / Rescue Station, 4,800 square feet of office and 195,000 square feet of industrial use.

Town Council approved on September 6, 2001, Resolution 2001-232, to amend the restrictive note on the "Y.A.F. Plat" from 4,800 square feet of office and 215,000 square feet of industrial use to 25,000 square feet of industrial use across the plat; and 16,000 square feet of office use on Parcel "A"; 10,000 square feet of industrial use on Parcel "B"; and 140,000 square feet of industrial use and single 2-bedroom garden apartment on Parcel "C". Broward County Commission approved the item (Item Number 46) on November 6, 2001. The plat note amendment was not recorded.

Town Council approved a plat note amendment by Resolution Number 91-186 on August 7, 1991. The approval was for the amendment of the restrictive note on the Y.A.F. Plat to permit a watchman's quarters on Parcel "C". However, this request was never recorded.

Town Council approved a subdivision plat by Resolution Number 85-123 on July 17, 1985. The Plat was recorded in the public records of Broward County, Plat Book 125, Page 26 on November 1985.

Applicable Codes and Ordinances

Sec. 12-306. Processing

- (A) *Application Submittal:* Applications for rezonings, overlay rezonings for Open Space Design, special permits, variances and vacations or abandonments of rights-of-way shall be in the form of a petition filed with the town development services department by any qualified applicant.

Sec. 12-310. Review of vacations or abandonments of right-of-way.

(A) *Planning and Zoning Board Review:*

- (1) The planning and zoning board shall hold its public hearing and shall make a recommendation upon the application to the town council, based upon its consideration of, where applicable, whether or not:
 - (a) It will adversely affect access to neighboring properties.
 - (b) It will be in conflict with the public interest.
- (2) The report and recommendation of the planning and zoning board shall be advisory only and shall not be binding upon the council
- (3) The report and recommendation of the planning and zoning board required by this chapter may include proposals for the mitigation of external impacts of the vacation of right-of-way if approved by the council
- (4) (4) An applicant may withdraw an application at any time prior to a vote by the council.

(B) *Town Council Review:*

- (1) The council shall establish a public hearing to consider public testimony and the planning and zoning board recommendation and may deny, deny without prejudice, approve or approve with conditions. Approval shall be by ordinance.
- (2) (2) Whenever the council has acted upon a vacation or abandonment of rights-of-way for property, whether approved or denied, the planning and zoning board shall not thereafter consider any further application for the same or any other kind of vacations or abandonments of rights-of-way for any part or all of the same property for a period of one (1) year. The above time limits may be waived by a majority vote of the council when the council deems such action necessary to prevent injustice or to facilitate the proper development of the city.

Comprehensive Plan Considerations

Planning Area: The subject property falls within Planning Area 6. Planning Area 6 includes lands located south of State Road 84, east of University Drive and north of Nova Drive, together with lands located east of the Florida Turnpike and west of State Road 7, south of State Road 84 and north of the south Town limits. The majority of this planning area is industrially zoned and land used plan designated. There are small commercial parcels along the State Road 7 corridor with one large retail center being located on the southeast corner of

University Drive and State Road 84. Commercial flexibility has been applied to lands designated Industrial on Nova Drive.

Broward County Land Use Plan: The subject site falls within Flexibility Zone 58.

Broward County Land Development Code: The Broward County Land Development Code requires that any changes or waivers to requirements of development permit applications be reviewed and approved or disapproved by the municipality with final approval by Broward County Commission.

Applicable Goals, Objectives & Policies: *Future Land Use Plan, Objective 17: Land Use Compatibility and Community Appearance, Policy 17-3:* Each development proposal shall be reviewed with respect to its compatibility with adjacent existing and planned uses.

Future Land Use Plan, Objective 17: Land Use Compatibility and Community Appearance, Policy 17-6: Town land development regulations shall address incompatible land uses through requirements such as buffering and setbacks.

Future Land Use Plan, Objective 17: Land Use Compatibility and Community Appearance, Policy 17-7: Adopted land development regulations shall continue to set forth setbacks or separation regulations, landscaping requirements, and minimum open space criteria to enhance living and working environments.

Significant Development Review Agency Comments

There are no significant Development Review Committee Comments.

Application Details and Staff Analysis

The applicant has requested to vacate a portion of the right-of-way for Oakes Road, lying within the north 35-feet of the northeast one-quarter of Section 25, Township 50 South, Range 41. The requested vacation is approximately 0.15 acres (6,414.45 square feet) in size. The intent of the requested vacation is to include this land area in the overall site for the proposed Town of Davie Fire / Rescue Station.

Located immediately north of the site is United Rentals and Self Storage, to the south is a lake, to the east is State Road 7 / U.S. 441, and to the west is G. S. Equipment. Access to the neighboring properties is through a 40 foot access easement that is located on the western portion of the 1.15 acre site the Town owns that is directly north of the area to be vacated. The proposed vacation will have minimum impact on the access for each of these parcels as the access remains the same.

The proposed Fire / Rescue Station that is scheduled to be built primary service area will be east of the Florida's Turnpike and include adjacent major highways. The Town of Davie Fire Rescue Department currently services 34 square miles of incorporated area, and six additional square miles via contract to the Town of Southwest Ranches and unincorporated Pine Island Ridge. Presently four fire stations service cover an average of 8.5 miles per station, almost

twice that of the countywide average of 5.0 miles per station. Two additional fire stations, including the one under discussion, were approved through a 2003 bond issue which will reduce the average square miles to less than 6 miles per station and improve coverage townwide.

Findings of Fact

Vacations or abandonment of right-of-way:

Section 12-310 (A)(1):

The following findings of fact apply to the vacation requested:

(a) It will not adversely affect access to neighboring properties.

The proposed vacation will have minimum impact on the surrounding parcels as their present access will not be affected. Access to the neighboring properties is through a 40 foot access easement that is located on the western portion of the proposed site off Oakes Road. Therefore, access to neighboring properties is not adversely affected.

(b) It will not be in conflict with the public interest.

The proposed vacation will not be in conflict with the surrounding parcels since the parcels to the north, south, and west are built. The proposed Fire / Rescue Station will assist in servicing the areas that are east of Florida's Turnpike and all adjacent major highways, therefore it will not be conflict with the public interest.

Planning and Zoning Board Recommendation

At the February 11, 2004 Planning and Zoning Board meeting, Mr. McLaughlin made a motion, seconded by Mr. Stevens, to approve based upon the stipulation that the east property line be a non-vehicular access line to continue to the south the property line of the vacated portion. Motion carried 5-0.

Staff Recommendation

Staff finds the subject application complete and suitable for transmittal to the Planning and Zoning Board and Town Council for further consideration.

Exhibits

1. Justification letter
2. Roadway easement dedications legal descriptions and sketches
3. Future Land Use map
4. Zoning and aerial map

Prepared by: _____

Reviewed by: _____

JUSTIFICATION FOR VACATION OF RIGHT OF WAY

VA 12-2-03

The proposed vacation will be contiguous with Town-owned property to the north, and will be utilized for the construction of a fire / rescue station.

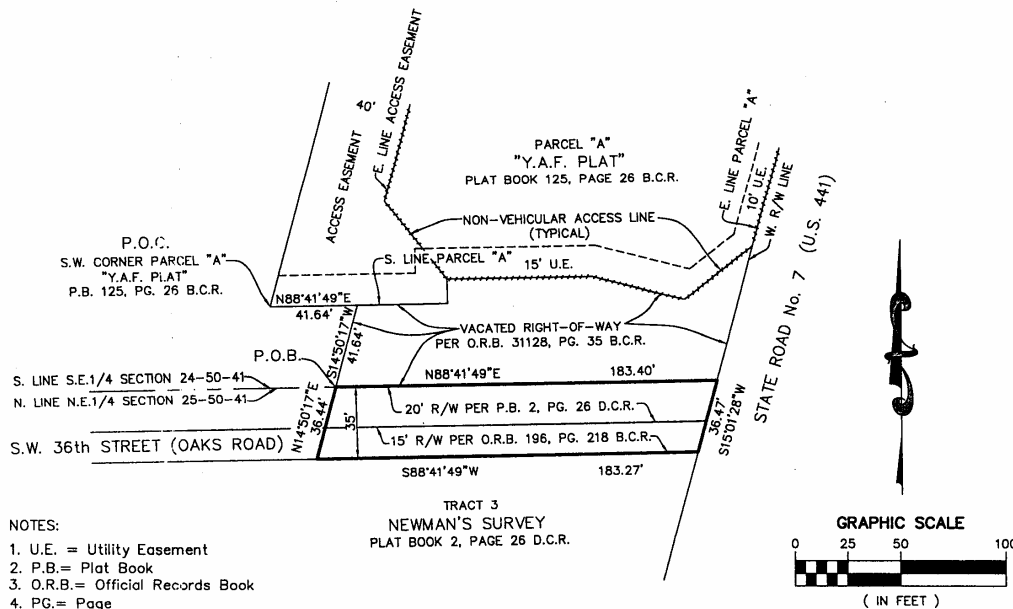
DESCRIPTION: (VACATION OF A PORTION OF OAKS ROAD)

SHEET 1 OF 1

A PORTION OF THE RIGHT-OF-WAY FOR OAKS ROAD, LYING WITHIN THE NORTH 35.00 FEET OF THE NORTHEAST ONE-QUARTER (N.E.¼) OF SECTION 25, TOWNSHIP 50 SOUTH, RANGE 41 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF PARCEL "A" OF "Y.A.F. PLAT", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 125, PAGE 26 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; THENCE ALONG THE SOUTH LINE OF SAID PARCEL "A" ON A PLAT BEARING OF NORTH 88°41'49" EAST 41.64 FEET; THENCE SOUTH 14°50'17" WEST 41.64 FEET TO THE POINT OF BEGINNING; THENCE ALONG THE NORTH LINE OF THE NORTHEAST ONE-QUARTER (N.E.¼) OF SAID SECTION 25, NORTH 88°41'49" EAST 183.40 FEET; THENCE ALONG A SOUTHERLY PROLONGATION OF THE EAST LINE SAID PARCEL "A", SOUTH 15°01'28" WEST 36.47 FEET; THENCE PARALLEL WITH AND 35.00 FEET SOUTH OF THE NORTH LINE OF SAID NORTHEAST ONE-QUARTER (N.E.¼), SOUTH 88°41'49" WEST 183.27 FEET; THENCE ALONG A SOUTHERLY PROLONGATION OF THE EAST LINE OF THAT CERTAIN 40 FOOT ACCESS EASEMENT ALONG THE WEST SIDE OF SAID PARCEL "A" AS SHOWN ON SAID "Y.A.F. PLAT", NORTH 14°50'17" EAST 36.44 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE, LYING AND BEING IN THE TOWN OF DAVIE, BROWARD COUNTY, FLORIDA AND CONTAINING 6417 SQUARE FEET (0.147 ACRES) MORE OR LESS.



NOTES:

1. U.E. = Utility Easement
2. P.B. = Plat Book
3. O.R.B. = Official Records Book
4. PG. = Page
5. B.C.R. = Broward County Records
6. D.C.R. = Dade County Records
7. Subject property was not abstracted by this firm for easements, rights-of-way, reservations or other matters of record.
8. Bearings shown hereon are per plat.
9. Easements shown hereon are per Plat unless otherwise noted.

SKETCH AND DESCRIPTION

THIS SKETCH DOES NOT REPRESENT A BOUNDARY SURVEY

DATE	REVISIONS	DATE	CHK

CERTIFIED TO:

TOWN OF DAVIE



ENGINEERS • PLANNERS • SURVEYORS
LANDSCAPE ARCHITECTS
ENVIRONMENTAL PROFESSIONALS

1800 N. DOUGLAS ROAD, SUITE 200
PEMBROKE PINES, FLORIDA 33024
(954) 436-7000 FAX: (954) 437-2958
CERT. OF AUTHORIZATION L.B. 6680

HEREBY CERTIFY THAT THIS SKETCH MEETS THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 81G17-6, FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

DATED THIS 12th DAY OF DECEMBER, 2003 A.D.

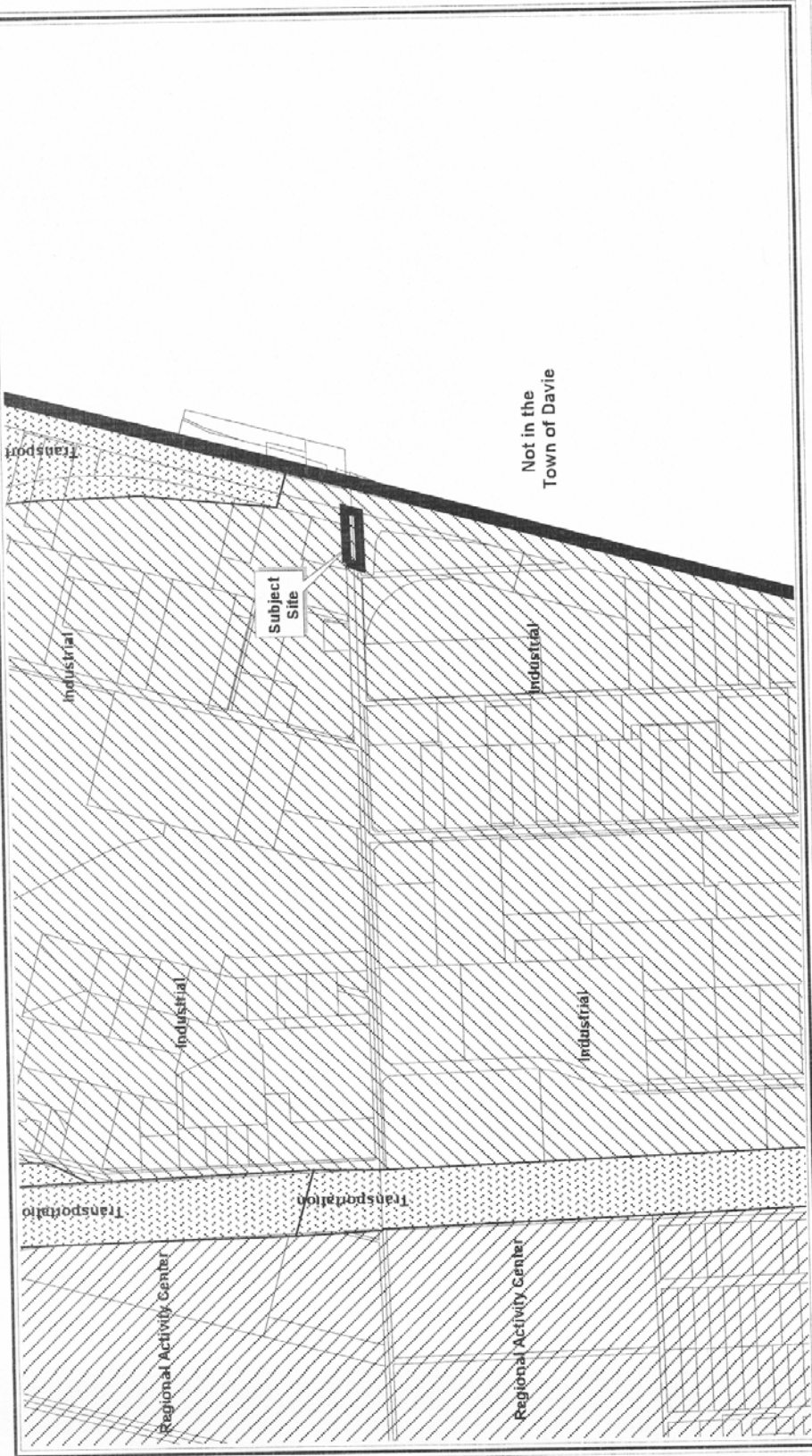
Martin P. Rossi
MARTIN P. ROSSI

PROFESSIONAL SURVEYOR AND MAPPER
STATE OF FLORIDA REGISTRATION No. 5857
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

PROJECT NO.
03-00341.362

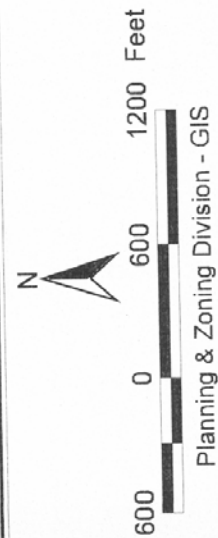
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DRAWN BY: MR CHECKED BY: MR



**Vacation Application
VA 12-2-03, Oaks Road Fire Station
Future Land Use Map**

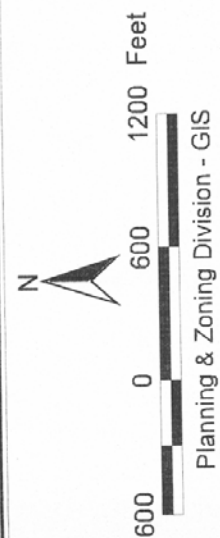
Prepared By: D.M.A.
Date Prepared: 02/06/04





Vacation Application VA 12-2-03, Oaks Road Fire Station Subject Site, Zoning, & Aerial Map

Prepared By: D.M.A.
 Date Prepared: 02/06/04



Planning & Zoning Division - GIS

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